

### **FEBRUARY 18, 2019 RELEASE**

The U.S. Copyright Office updated the online application for registering a group of newspaper issues. Specifically, the Office removed the automated validation that prevented publishers from submitting issues that were more than three months old. Beginning February 18, 2019, publishers will be allowed to submit group newspaper claims, regardless of when their issues were published.

In the past, publishers were required to submit an online application and an appropriate deposit, and they had to submit their claim within three months after the publication of the earliest issue in the group. This deadline was intended to benefit the Library of Congress by ensuring that newspaper issues could be added to its collections and made available to its patrons in a timely manner.

Many publishers were unable to submit their claims before the three-month deadline expired. To address these concerns, the Office eliminated the three-month filing requirement and made corresponding changes to the electronic system. This should give publishers more flexibility, and allow them to register issues that otherwise would be ineligible for group registration.

More information about this update may be found *here*. In addition, the Copyright Office has prepared a *video tutorial* that provides step-by-step instructions on how to complete the online application and upload digital copies. The *help text* that accompanies the online application also provides answers to frequently asked questions.

#### **DECEMBER 30, 2018 RELEASE**

The U.S. Copyright Office updated the online application for registering a group of newsletter issues.

In the past, newsletter publishers were expected to submit their claims within three months after the publication of the most recent issue in the group. This deadline was intended to benefit the Library of Congress by ensuring that newsletter issues could be added to its collections in a timely manner.

On December 30, 2018 the Office removed the automated validation that prevented publishers from submitting issues that were more than 90 days old. Publishers may now submit group newsletter claims, regardless of when their issues were published. This should give publishers more flexibility, and allow them to register issues that otherwise would be ineligible for group registration.

More information about this update may be found here.

## **FEBRUARY 7, 2018 RELEASE**

The U.S. Copyright Office made the following upgrades to the electronic registration system:

- A new online application for seeking a registration for a group of published photographs.
- A new online application for seeking a registration for a group of unpublished photographs.

These upgrades are described below.

On January 18, 2018, the U.S. Copyright Office issued a final rule which amended its regulation governing group registration of published photographs ("GRPPH") and created a new regulation governing group registration of unpublished photographs ("GRUPH"). 83 Fed. Reg. 2,542 (Jan. 18, 2018).

Beginning February 20th, applicants will be required to submit an online application specifically designed to register a group of published photographs or a group of unpublished photographs. The Office released the new applications ahead of the effective date to give photographers an opportunity to familiarize themselves with the new forms.

If an applicant attempts to use the Standard Application or a paper application after the final rule goes into effect, the Office will refuse the claim and instruct the applicant to submit a new application using the appropriate online application, along with a new filing fee and a new deposit.

Each registration is limited to 750 photographs by the same author, including a work-made-for-hire author. In the final rule the Office explained that in the case of a work-made-for-hire author the application would contain a space where applicants must provide employee information or the application will not be accepted by the system. This feature, however, was removed from the new applications. Applicants may complete an application for photographs by a work-made-for-hire author without providing the name(s) of the individual employee(s).

The final rule also states that applicants must submit a digital copy of each photo, and the file name for each image should not contain any form of punctuation. The Office was concerned that punctuation in the file name might cause a technical error that could prevent the system from opening the files. Now that the new applications have been tested and released, the Office has confirmed that punctuation should not cause this type of problem.

More information about the new requirements for GRPPH may be found *here*. More information about the new requirements for GRUPH may be found *here*. In addition, the Copyright Office will release a new GRPPH tutorial as well as a new GRUPH tutorial. Each tutorial will provide step-by-step instructions for completing the new applications.

### **FEBRUARY 5, 2018 RELEASE**

The U.S. Copyright Office upgraded the electronic registration system by adding the following unique identifiers to the "International Standard Number" menu on the Publication / Completion screen:

- International Standard Music Number (ISMN), a unique identifier assigned to published printed music.
- International Standard Musical Work Code (ISWC), a unique identifier assigned to a musical work.
- International Standard Audiovisual Number (ISAN), a unique identifier assigned to an audiovisual work.
- International Standard Text Code (ISTC), a unique identifier assigned to a text based work.

On January 17, 2018, the Office published a *final rule* amending the Office's deposit requirements for certain types of literary works and musical compositions. In its *notice of proposed rulemaking*, the Office noted that, in most cases, it does not retain a copy of published works if the applicant submitted the work in a physical format and the Library of Congress selected that work for its collections. The Office also noted that if applicants want to ensure that the Office retains a precise record of what was submitted for registration, they are encouraged to include an international standard number in the application if one has been assigned to the work. *See Simplifying Deposit Requirements for Certain Literary Works and Musical Compositions*, 82 Fed. Reg. 38,859 (Aug. 16, 2017).

In the past, the online application only included the identifiers for ISBN (International Standard Book Number), ISSN (International Standard Serial Number), and ISRC (International Standard Recording Code). Today's technical upgrade enhances the online application by adding the other identifiers listed above.

When completing the Publication / Completion screen in the online application, applicants may select the appropriate prefix from the drop down menu marked "International Standard Number Type" and provide the relevant number in the field marked "International Standard Number."

This number will appear on the certificate of registration, and in the case of an ISBN or ISSN, it also will appear in the online public record for that work. This information may be used to identify the specific work that was submitted for registration. Applicants should note, however, that the Office will not review the standard number to determine if it matches the number appearing on the deposit copy(ies). Therefore, applicants should confirm that the number has been entered correctly.

The Office does not assign standard numbers for works of authorship. In the United States, ISBNs, ISSNs, and other standard numbers are administered by the following organizations:

- ISBN: R.R. Bowker LLC (www.bowker.com).
- ISSN: The Library of Congress (www.loc.gov/issn).
- ISAN: ARIBSAN US (www.aribsan.org).
- ISMN: The Library of Congress (www.loc.gov/ismn).
- ISWC: ASCAP (www.ascap.com).
- ISRC: The Recording Industry Association of America (www.usisrc.org).
- ISTC: International ISTC Agency (www.istc-international.org).

## **DECEMBER 16, 2017 RELEASE**

The U.S. Copyright Office made the following upgrades to the electronic registration system:

- Reorganized the home screen for the electronic registration system.
- Removed the three questions that previously directed applicants to the Standard Application or the Single Application.
- Introduced a new and improved version of the Single Application.
- Modified the authorship statements in the application for registering a serial publication.

• Added a new feature that will allow certain file types to be uploaded to the electronic registration system, while blocking unacceptable file types.

These upgrades are described below.

#### Home Screen for the Electronic Registration System

The Copyright Office has updated the home screen for the electronic registration system. Now there is a separate link that may be used to access the Standard Application. The Office also added a statement explaining that the Standard Application is "recommended for most works."

The Office created separate links for its other registration options, such as group registrations, supplementary registration, and the Single Application. The Office also added a brief statement noting that certain restrictions apply when applicants use these other options.

#### Three Questions Removed from the First Step in the Registration Process

The Copyright Office removed the three "yes" or "no" questions that previously appeared at the beginning of the registration process.

In the past, the Office used these questions to determine if a work could be registered with the Single Application. If the applicant answered "yes" to all three questions, the system automatically directed the applicant to the Single Application. If the applicant answered "no" to any of these questions, the system automatically directed the applicant to the Standard Application.

Many applicants found these questions confusing, or mistakenly assumed they would not be allowed to proceed if they answered "no." As a result, applicants often submitted their claims on the wrong form.

The Office eliminated these questions, and as mentioned above, it reorganized the home page for the electronic registration system. To access the Standard Application, applicants must affirmatively select the link specifically designated for that application. To access the Single Application, applicants must affirmatively select the link specifically designated for claims involving "one work by one author."

# The Single Application

In 2013 the Office introduced a new registration option known as the "Single Application." This application is designed for authors who file the simplest type of claim. Briefly stated, the Single Application may be used to register "a single work by a single author that is owned by the person who created it." 37 CFR 202.3(b)(2)(i)(B).

The Office has released a new and improved version of this application. The new version includes enhanced features that should improve the user experience, and increase the efficiency of the examination of these claims.

The Copyright Office has prepared an *online tutorial* that provides step-by-step instructions for completing the new application, and "help text" within the application itself that provides answers to frequently asked questions. In addition, the Copyright Office has issued a new *circular* that provides detailed information about this registration option.

**Note:** Because this option may only be used to register "one work by one author," the new version of the Single Application does not provide "templates" that may be used to prepare similar applications for registering other works.

### **Serial Publications**

You may register a serial publication through the electronic registration system by selecting the application for a "Single Serial Issue."

This application may be used if the serial qualifies as a "collective work." A "collective work" is defined as a work, such as a periodical issue, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

(**Note:** If the serial does not satisfy these requirements, you may be able to register the work using the application designated for a "Literary Work.")

The application for a "Single Serial Issue" may also be used to register an individual article, photograph, or other contribution that appears in a serial publication, but only if the contribution was first published in that issue, and if the claimant owns the copyright in both the contribution and the issue as a whole.

To register a serial publication you must provide a brief statement that best describes the work that the author created. To do so, you should check one of the boxes that appear on the "Authors" screen.

The Office has revised the authorship statements that appear in this portion of the application:

- If you intend to register the authorship involved in selecting, coordinating, and/or arranging the content that appears within the issue as a whole, you should check the box marked "collective work authorship."
- If you intend to register the authorship involved in creating the issue as a whole, and one or more of the contribution(s) that were first published in that issue, you should check the box marked "Collective Work Authorship and Component Work(s) authored or fully owned by the Collective Work Author."

**Note:** If these statements do not accurately describe the work you intend to register, you should return to the home screen and select a different registration option.

#### Uploading a Copy or Phonorecord of the Work

The Copyright Office added a new feature that will allow certain file types to be uploaded to the electronic registration system, while blocking unacceptable file types.

If you upload a copy or phonorecord of the work, the work must be submitted in an acceptable file format. A list of the file formats that will be accepted is posted on the Copyright Office's website.

If you submit a file that appears on this list, you should receive an email from the Copyright Office confirming that your file has been received.

If you attempt to submit a file that does not appear on the list of acceptable file formats, the system should generate an error message and instruct you to submit the work in a different file format.

If you intend to upload multiple files, the Copyright Office encourages you to submit them in a compressed ZIP file. However, all of the files within the ZIP file must be submitted in an acceptable file format. If the ZIP file contains any files that do not appear on the list of acceptable file formats, the Copyright Office may communicate with you or may refuse to register your claim.

For step-by-step instructions for uploading a file to the electronic registration system, please see the tutorial on the Copyright Office's website.

### **JULY 16, 2017 RELEASE**

The U.S. Copyright Office made the following upgrades to the electronic registration system:

- A new online application for seeking a supplementary registration.
- · A new online application for seeking a registration for a group of contributions to periodicals.

These upgrades are described below.

## **Supplementary Registration**

On June 15, 2017, the U.S. Copyright Office amended its regulation governing supplementary registration. 82 Fed. Reg. 27,424 (June 15, 2017).

A supplementary registration may be used to correct or amplify the information in an existing registration. In most cases applicants must submit an online application in order to seek a supplementary registration.

A paper application may only be used to correct or amplify the information in a renewal registration, a GATT registration, or a registration for a non-photographic database. If an applicant attempts to use the paper application to correct or amplify any other type of registration, the Office will refuse to register the claim and instruct the applicant to submit a new application using the online application, along with a new filing fee.

More information about the new requirements may be found *here*. In addition, the Copyright Office has released a *tutorial* that provides step-by-step instructions for completing the new application.

## **Group Registration of Contributions to Periodicals**

On June 29, 2017, the U.S. Copyright Office amended its regulation governing the group registration option for contributions to periodicals, commonly known as GRCP. 82 Fed. Req. 29,410 (June 29, 2017).

Applicants are now required to submit an online application in order to register these types of claims. If an applicant attempts to use a paper application, the Office will refuse to register the claim and instruct the applicant to submit a new application using the online application, along with a new filing fee and a new deposit.

More information about the new requirements may be found *here*. In addition, the Copyright Office has released a *tutorial* that provides step-by-step instructions for completing the new application.

#### **JANUARY 24, 2015 RELEASE**

- Redesigned process for uploading deposit copies: This release introduces a streamlined process for uploading copies of your work. After confirmation of fee payment, you can select files from your computer, upload them, and confirm completeness all on a single screen. In addition, the maximum size for each file uploaded has been increased from 170 MB to 500 MB. To see a tutorial on the revised process, please go to <a href="http://www.copyright.gov/eco/help-upload-tutorial.html">http://www.copyright.gov/eco/help-upload-tutorial.html</a>.
- **Selecting the "Type of Work":** When beginning your application, selecting the "Type of Work" is important both for ensuring you are presented with the appropriate options for identifying the material included in your Copyright registration, as well as routing the application to Registration Specialists experienced in this type of subject matter.
  - Beginning with this release, a description will be displayed corresponding to each option you click in the "Type of Work" drop-down list. You'll be required to click a box confirming your selection before proceeding with the application.
  - You are encouraged to save new versions of previously created templates after clicking the box to confirm the "Type of Work" selected when the template was originally created. The older version of the template should then be deleted.
- Authorship and Limitation of Claim options: Several checkboxes previously provided to identify "Author Created," "Material Excluded," and "New Material Included" have been deleted in this release. Applicants who need to identify these types of authorship (for example, "Editing" and "Compilation") may type the term(s) into the corresponding "Other" space.
- You are encouraged to save a new version of any previously saved template created using one or more of these deleted checkboxes after updating it as needed. The older version of the template should then be deleted.
- **Applicant's Internal Tracking Number:** If you include an "Applicant's Internal Tracking Number" on the certification screen when completing your applications, you can now use this number as a search option for locating a printable copy of applications.
- Click the "My Applications" or "My Company's Applications" link on the Home screen. A list of applications will be displayed, including corresponding tracking numbers. To search for a specific tracking number, click the Query button and enter your tracking number in the space provided before clicking "Execute."
- Certificate of Registration changes: Certificates issued after this release will include the following format changes:
  - 1) The Mailing Address page, previously placed at the end of the certificate, will now be placed at the beginning, printed on plain white paper.
- 2) Certificates issued prior to this release displayed content in a two-column format. Certificates issued after this release will display all content in a single-column format.

Read Tips for using eCO

#### **MAY 1, 2014 RELEASE**

- New Copyright Office fees become effective on May 1, 2014. (See list of fees.)
- eCO filers will be prompted to answer "yes" or "no" to three statements to determine the appropriate application (Single or Standard) for registering their work. Single Applications are for one work by one author (not made for hire) who is also the sole owner of all rights in the work. Standard Applications are for all other registrations. Filers will have the opportunity to change to the Standard Application if it becomes apparent that the Single Application is not appropriate for the work being registered. Using the Single Application when a work does **not** meet the requirements will result in processing delays, an additional fee, and a later effective date of registration.
- If Copyright Office staff determine that a work does not meet the Single Application requirements, the filer will be contacted at the email address listed on the application with instructions on how to pay the additional fee and resubmit on the Standard Application.

## **JUNE 28, 2013 RELEASE**

An alternate streamlined application path for certain claims will be introduced. When beginning a registration application, you will answer three questions to determine whether the information will be entered using the new Single application or with the Standard series of screens.

If you are registering one work, created and solely owned by the same individual (not "made for hire"), you will use the more streamlined Single application screens to enter information. Otherwise, you will use the Standard screens to complete the application.

The following categories of work may not be registered using the Single application: collective works, unpublished collections, units of publication, group registration options, databases, websites, works by more than one author, and works with more than one owner.

To watch a webinar demonstration of the updated application process, click the following link (you'll be asked to login by entering a name and email address): <a href="http://login.icohere.com/copyright?pnum=GZL35576">http://login.icohere.com/copyright?pnum=GZL35576</a>

# **MARCH 15, 2013 RELEASE**

- Monthly Copyright Office Deposit Account statements for accounts linked to eCO will be viewable online, beginning with statements generated in April 2013. The statements will also be sent as email attachments to the account holder.
- When entering an email address, you will receive a prompt if it appears that you've entered either an invalid address or multiple addresses.

# **SEPTEMBER 14, 2012 RELEASE**

- A "Register a Group Claim" link has been added to the Welcome page to allow online submission of SE/Group claims. Please read the help text provided to determine whether you meet eligibility and other requirements for registering a group claim. If not, return to the Welcome page and use the "Register a New Claim" link to register single issues.
- For submissions accompanied by electronic copies of the work being registered: You will receive an error message if you attempt to upload a copy of the work using a file name or description that will result in an unsuccessful upload. The message will include instructions for renaming the file before uploading it.

# **JUNE 15, 2012 RELEASE**

- For submissions accompanied by electronic copies of the work being registered: You will be prompted to click an "Upload Complete" button after you have finished uploading all electronic files for the work being registered. Once you have clicked the button, the system will not allow you to upload additional files for that application.
- The effective date of your registration will be delayed and Copyright Office staff will not be able to process your claim until you confirm completeness of your submission. If you don't click "Upload Complete," you will receive an email reminder after 60 days has elapsed.
- For submissions accompanied by physical copies of the work being registered: The system will send you an email reminder if we have not received the material within 60 days after receipt of your application and payment.

#### **JULY 29, 2011 RELEASE**

• Single Serial Issue application changes: We have made changes to the eCO screens to give the public an opportunity to clarify the extent of the registration for collective works. Previously, the "Author Created" screen included the option "collective work that may include text, editing, compilation, and contribution(s) in which copyright has been transferred to the claimant". Because some courts have concluded that certificates of registration that do not name the authors and titles of each contribution to a collective work do not extend to those individual contributions, we have amended the screens to clarify whether an application is intended to cover the compilation (that is, the selection and arrangement of contributions), the contribution(s) to a collective work, or both. You will now be asked to check one or both of the following boxes: "Compilation" and "Contribution(s) to a Collective Work (e.g., an article)." You may also check "Other" to briefly state (in general terms) authorship that is not covered by the boxes provided and for which you seek this registration, or to specify the title(s) of one or more specific contributions by the named author. For more information and instructions, please click on the Help links on the Author and Claimant screens.

The Copyright Office has had a longstanding practice of accepting "collective work" as an authorship statement for serial registrations. These registrations may cover (a) the collective work authorship, (b) any contribution created by an employee or other party commissioned by the author of a work made for hire, and (c) any other contributions that the claimant of the serial as a whole obtained by transfer.

Recently, several lower federal courts have ruled that that certain database registrations did not extend to any contributions by authors who were not explicitly named on the application. Two of those decisions have been appealed. Although the Copyright Office has not changed its practice because of these rulings, we wanted to give you the opportunity to determine whether you wish to name all of the authors of independent contributions in which all rights have been transferred to the claimant in the serial publication in order to avoid the possibility that a court may conclude that your registration does not extend to the individual contributions in the serials.

• Author and Claimant screens will no longer include a "Doing Business As" field. In instances where the author or claimant is known by another name, this information may be entered as a "Note to Copyright Office" on the Certification screen.

**Note:** if you use a previously saved template that included names in the "Doing Business As" field, these will not be visible when you review the application. Follow the instructions above to add the information. See below for instructions on replacing the previous template with a new one.

- On the Author Created and Limitation of Claim screens for Works of the Visual Arts, "Map" and "Technical Drawing" will be separate check boxes (previously a single "Map/Technical Drawing" check box). The "Sculpture/3D artwork" checkbox will be updated to "Sculpture."
- "Translation" will no longer be included as a check box on the Author Created and Limitation of Claim screens for Literary Works. If you are registering a translation, type "Translation" in the blank "Other" field.
- Several of the above changes may render existing templates invalid. To save a revised template:
  - · Use the existing template to create a new application, making any required corrections.
  - After reviewing all application information for accuracy, click on the "Save Template" button at the top of the Review Submission screen.
  - Enter a name for the revised template in the blank field provided on the resulting Template Cases screen, then click on the "Save" button.
  - · You will be returned to the Review Submission screen where you may add the application to your cart or save it for later.
  - Delete the previous version of the template: Return to the Home screen, click on the "Use a Template" link under Copyright Services, then click on the "Discard" link for the previous version of the template.
- When creating new Copyright Office Deposit Accounts, you will be required to supply contact information, including a valid email address. To update existing Deposit Account information, click on the Organization/DA link under the list of Copyright Services on the left side of the Home screen.

## **FEBRUARY 4, 2011 RELEASE**

For claims submitted after the February 4, 2011 release, the printable eCO application will include the following information when provided by the applicant:

- Alternate Telephone in the Rights and Permissions section
- Email, Telephone, Alternate Telephone, and Fax in the Correspondent section
- Priority (Routine or Special Handling)
- Note to Copyright Office